

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re application of BTA BANK  
for an Order to Take Discovery Pursuant to 28  
U.S.C. §1782

Misc. No. 19-mc-220-LAK

**AMENDED EX PARTE APPLICATION FOR ORDER TO  
TAKE DISCOVERY PURSUANT TO 28 U.S.C. §1782**

Pursuant to 28 U.S.C. §1782, BTA Bank (“BTA”) hereby applies *ex parte* to this Court for an order permitting BTA to take discovery for use in proceedings in Kazakhstan (the “Application”).

BTA seeks an order granting the undersigned leave to serve the subpoena attached hereto as Exhibit A directing The Bank of New York Mellon Corporation to produce the documents specified therein (the “Proposed Subpoena”).

For the reasons set forth in the Memorandum of Law [ECF No. 2], this Application meets each of § 1782’s statutory requirements, as well as the discretionary factors the Court may consider. This Application is supported by (1) the Memorandum of Law and (2) the Declarations of Ilyas Bulatovich Ayukhanov [ECF No. 3] and Andrew L. Chesley [ECF No. 4], including the exhibits attached thereto.

WHEREFORE, BTA respectfully requests entry of an order granting the Application and authorizing BTA to serve the Proposed Subpoena. This amended application is supported by the Proposed Subpoena attached as Exhibit A, the previously filed Memorandum of Law [ECF No. 2], and the previously filed Declarations of Ilyas Bulatovich Ayukhanov [ECF No. 3] and Andrew L. Chesley [ECF No. 4], including the exhibits attached thereto.

Dated: May 1, 2019  
New York, New York

Respectfully submitted,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz  
Andrew L. Chesley

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